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SENATE BILL 183

46TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2003

INTRODUCED BY

John Arthur Smith

AN ACT

RELATING TO INTERGOVERNMENTAL RELATIONS; ENACTING THE NEW
MEXICO-CHIHUAHUA COMMISSION ACT; PROVIDING FOR COOPERATIVE
ACTIVITIES BETWEEN NEW MEXICO AND THE MEXICAN STATE OF
CHIHUAHUA; REPEALING SECTIONS OF THE NMSA 1978; MAKING AN
APPROPRIATION.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

Section 1. SHORT TITLE. -- This act may be cited as the
"New Mexico-Chihuahua Commission Act".

Section 2. PURPOSES. -- The purposes of the New Mexico-
Chihuahua Commission Act are to establish a framework in which
New Mexico and the state of Chihuahua, Mexico, can work to
develop mutually beneficial programs to resolve challenges
along the international border common to both states, to
maximize the possibilities for economic development and to open

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1 and institutionalize lines of communication between the public
2 and private sector leaders of the states.

3 Section 3. DEFINITIONS. -- As used in the New Mexico-
4 Chihuahua Commission Act:

5 A. "Chihuahua" means the state of Chihuahua,
6 Mexico; and

7 B. "commission" means the New Mexico-Chihuahua
8 commission.

9 Section 4. NEW MEXICO-CHIHUAHUA COMMISSION CREATED--
10 MEMBERS-- ADMINISTRATION. --

11 A. The "New Mexico-Chihuahua commission" is created
12 and is administratively attached to the economic development
13 department.

14 B. The members of the commission representing New
15 Mexico shall be:

- 16 (1) the governor of New Mexico;
17 (2) the secretary of economic development;
18 (3) the secretary of tourism;
19 (4) other state officials as assigned by the
20 governor; and
21 (5) no more than ten members of the public
22 appointed by the governor of New Mexico.

23 C. The members of the commission representing
24 Chihuahua shall be appointed or assigned according to the
25 customary procedure of the executive branch of the government

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1 of that state.

2 D. The economic development department shall
3 provide administrative assistance to the commission as needed.

4 E. The economic development department shall keep
5 records of commission proceedings.

6 F. The co-chairs of the commission shall be the
7 governors of New Mexico and Chihuahua.

8 G. Meetings of the commission shall be at the call
9 of the co-chairs or pursuant to the request of a majority of
10 the members of the commission.

11 H. Terms for public members of the commission
12 appointed by the governor of New Mexico shall be for two years
13 with reappointment to additional terms at the discretion of the
14 governor.

15 I. A vacancy in a term of a commission member
16 representing New Mexico shall be filled by appointment by the
17 governor of New Mexico for the remainder of the term of the
18 position vacated.

19 J. The public members of the commission appointed
20 by the governor of New Mexico shall receive per diem and
21 mileage pursuant to the Per Diem and Mileage Act for
22 performance of official duties required by the commission and
23 shall receive no other compensation, perquisite or allowance.

24 Section 5. POWERS AND DUTIES. --

25 A. The commission shall provide a forum for

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1 discussion and resolution of issues of mutual concern to the
2 governments of New Mexico and Chihuahua.

3 B. The commission may:

4 (1) identify projects that can be
5 cooperatively pursued by New Mexico and Chihuahua;

6 (2) create avenues of communication between
7 New Mexico and Chihuahua concerning cultural, artistic,
8 economic and industrial affairs;

9 (3) confer with New Mexican and Chihuahuan
10 cultural, artistic, economic and industrial leaders to
11 determine the best methods and procedures to carry out the
12 provisions of the New Mexico-Chihuahua Commission Act;

13 (4) promote legislation to further the goals
14 of the commission; and

15 (5) communicate with state or province
16 international commissions in other states or nations in order
17 to obtain information about successful international
18 intergovernmental cooperative activities or models.

19 C. The governor of New Mexico may negotiate with
20 appropriate officials from Chihuahua to create cooperative
21 projects to be implemented by Chihuahua and New Mexico or to
22 resolve issues of mutual concern to New Mexico and Chihuahua.
23 The governor may implement the agreements reached through those
24 negotiations or projects developed, provided that an agreement
25 that has a fiscal impact on New Mexico and requires an

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1 appropriation shall require an act of the legislature.

2 Section 6. CONFLICT OF INTEREST.--A member of the
3 commission who performs a function or duty pursuant to the New
4 Mexico-Chihuahua Commission Act shall not have a direct or
5 indirect financial interest in an activity undertaken by the
6 commission.

7 Section 7. TEMPORARY PROVISION.--On July 1, 2003, all
8 records, contracts, assets and projects of the New Mexico
9 border commission shall be transferred to the economic
10 development department. All records, contracts, assets and
11 projects of New Mexico state university to coordinate programs
12 with Mexico shall remain with New Mexico state university.

13 Section 8. APPROPRIATION.--One hundred thousand dollars
14 (\$100,000) is appropriated from the general fund to the
15 economic development department for expenditure in fiscal year
16 2004 to carry out the provisions of the New Mexico-Chihuahua
17 Commission Act. Any unexpended or unencumbered balance
18 remaining at the end of fiscal year 2004 shall revert to the
19 general fund.

20 Section 9. REPEAL.--Sections 12-13-1 through 12-13-7 NMSA
21 1978 (being Laws 1981, Chapter 28, Sections 1 through 7, as
22 amended) are repealed.

23 Section 10. EFFECTIVE DATE.--The effective date of the
24 provisions of this act is July 1, 2003.